

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17640 of 2004

Between:

Puchalapalli Madhavi, D/o. P. Audaiah,
R/o. Police Ground Quarters, B-6, Darga Mitta, Nellore.

..... PETITIONER

AND

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Nellore, Nellore District.
- 3 N.T.R. University of Health Sciences, Andhra Pradesh, Vijayawada, rep by its Registrar
- 4 Narayana Medical College, rep by its Principal, Nellore, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the inaction of the 1st respondent in exercising jurisdiction to get the inquiry done through 2nd respondent who is the competent authority and issue caste certificate to the petitioner as a Samban belonging to SC-C as per the provisions of Andhra Pradesh (Scheduled Classes, Scheduled Tribes and Backward Classes) Act, 1993 and 1997 Rules pursuant to the memo of the 3rd respondent as unjust, illegal, arbitrary and violative of principles of the said Act and Rules framed thereunder and Articles 14, 15 and 21 of the Constitution of India and Presidential Order 1970 and consequently direct the respondents 1 and 2 to issue caste certificate to the petitioner as a Samban belonging to the SC-C to join first year MBBS in the 4th respondent college, and pass

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondent Nos 1 and 2.: GP FOR REVENUE

Counsel for Respondent No. 3: Dr. Y. Padmavathi

The Court made the following order at the stage of admission :

ORDER:

Heard the learned counsel on either side and with their consent the writ petition itself is disposed of at the stage of admission.

Admittedly, the petitioner has not approached the RDO, who is competent authority, to entertain the application for grant of caste certificate under the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and the Rules thereunder (for short 'the Act'), certifying that the petitioner belongs to SC-C community and in the absence of the petitioner approaching the RDO by making an application in the required form, he cannot complain of the inaction on the part of the 1st respondent in exercising the jurisdiction stating that he claimed admission into the I year, MBBS course under SC-C community in the NTR University of Health Sciences, Vijayawada, which rightly intimated the petitioner that her case will be considered only after the claim of the petitioner was investigated and necessary certificate issued in her favour by certifying that she belongs to SC-C community.

Merely because the University called upon the petitioner to approach the Collector and the petitioner making an application before the Collector will not vest any power in the Collector to grant certificate initially and only such certificate can be granted on reference made by RDO.

In view of the same, the writ petition is dismissed and the petitioner is at liberty to approach the RDO for issuance of community certificate after following necessary formalities. No costs.

30.9.2004

Note:

CC in two days.

BO CVM

To,

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Nellore, Nellore District.
- 3 N.T.R. University of Health Sciences, Andhra Pradesh, Vijayawada, rep by its Registrar
- 4 Narayana Medical College, rep by its Principal, Nellore, Nellore District.
5. 2 CCS to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).
6. 2 CD copies.

